



HON. ROBERT W. LEHRBURGER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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June 20, 2023

VIA ECF

Hon. Robert W. Lehrburger
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *N.C. v. N.Y.C. Dep't of Educ.*, 22-cv-9006 (JHR)(RWL)

Dear Judge Lehrburger:

I am a Special Assistant Corporation Counsel in the Office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* ("IDEA"), as well as for this action.

I write pursuant to the Court order dated May 17, 2023 (Dkt. 21), to respectfully request the adjournment, *sine die*, of the Initial Pretrial Conference scheduled for June 28, 2023, and attendant Case Management Plan and proposed Scheduling Order. Plaintiff consents to this request. This is the first request for an adjournment. We note that this is a fees-only claim without the need for discovery, and liability is not at issue.

Since the undersigned's last submission, the parties have engaged in good-faith settlement discussions, and the requested adjournment will give the parties time to continue those efforts, hopefully reaching an agreement. Indeed, this office has settled all but four of the many dozens of similar IDEA fees-only cases brought by plaintiffs represented by the Roller firm in recent years without the need to burden the court with any motion practice or conferences, and the parties are optimistic this matter will take that same course.

Accordingly, Defendant respectfully requests that the Court adjourn the Initial Pretrial Conference and attendant Case Management Plan and proposed Scheduling Order, *sine die*.

Thank you for considering this request.

cc: Irina Roller, Esq. (via ECF)

Respectfully submitted

/s/

Lauren Howland
Special Assistant Corporation Counsel

SO ORDERED:

6/21/2023

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

The IPTC and case management order requirement are adjourned *sine die*. However, the parties shall file a status report with the Court at such time as they agree upon a settlement or by August 21, 2023, whichever is earlier.